IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1824 OF 2003

Mr.Nitin Kulkarni for the Petitioner.

Mr.Milind More for the Respondent No.1.

| Office Notes, Office Memoranda of Coram, appearances, Court's order or directions | Court's or Judge's orders |
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| | **CORAM: D.K.DESHMUKH, J.** |
| | **DATED:** 20TH APRIL,2005 |

P.C.:

Rule. Returnable forthwith. Heard finally by consent of parties.

1. It is clear from the record that the order under Section 308 Maharashtra Municipalities and Industrial Estate Act, 1965 is passed by the Collector setting aside the resolution of the Standing Committee which provided for appointment of the Petitioner in the services of the Municipal Council, without even issuing notice to the

Petitioner. In my opinion, the order setting aside the resolution of the Standing Committing which was in favour of the Petitioner without giving the Petitioner an opportunity of being heard, clearly is in violation of the principles of natural justice and therefore ab-initio void. In this view of the matter, therefore, in my opinion, following order would meet the ends of justice.

O R D E R

Both orders impugned in the petition are set aside. A copy of the complaint on the basis of which the order was made has been supplied to the Petitioner. The Petitioner shall appear before the Collector on 30th May, 2005 and submit his explanation. The Collector shall, thereafter, hear the Petitioner and other concerned parties and make a fresh order.

Rule made absolute accordingly. No order as to costs.

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